

# Attachment A

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE APPLE INC. SECURITIES  
LITIGATION

Case No. C06-05208-JF

CLASS ACTION

**DECLARATION OF CLAIMS ADMINISTRATOR ON NOTICE IMPLEMENTATION**

I, ROBERT OSEAS, declare as follows:

1. I am a Project Manager employed by Epiq Class Action and Claims Solutions Inc., ("Epiq"), f/k/a Poorman-Douglas Corp., the Claims Administrator designated in the Amended Stipulation and Agreement of Settlement in this matter and approved by the Court in its Amended Order Preliminarily Approving Settlement, Directing Notice of Settlement, and Scheduling Settlement Fairness Hearing. *See* Doc. 134-1 at ¶1.6 and Doc. 139 at ¶8.

2. I am overseeing and am fully familiar with the notice implementation actions taken by Epiq in connection with the Settlement, as described below.

3. This Declaration is based upon my personal knowledge and information provided to me by associates and staff under my supervision and is accurate and truthful to the best of my knowledge.

4. Epiq is a firm with more than 40 years of experience in data processing. Epiq's claims administration services include: (a) coordination of all notice requirements; (b) design of direct mail notice; (c) establishment of toll free phone line and fulfillment services; (d) coordination with the U.S. Postal Service; (e) database management; (f) website hosting and

DECLARATION OF CLAIMS ADMINISTRATOR ON NOTICE IMPLEMENTATION

management; (g) claims processing; and (h) preparation of reports to courts overseeing class action settlements describing Epiq's notice and claims administration activities.

5. Epiq has provided notification and claims administration services in numerous securities matters, including: *In re General Motors Corp. Securities and Derivative Litigation*, MDL No. 1749 (E.D. Mich.); *In re: Parmalat Securities Litigation*, MDL No. 1653 (S.D.N.Y.); *In re Marvell Technology Group Ltd. Securities Litigation*, Case No. 06-6286 (N.D. Cal.); *In re: Brocade Securities Litigation*, Case No. 05-2042 (N.D. Cal.) and the Royal Dutch Shell Non-United States Residents Securities class action settlement under the supervision of the Amsterdam Court of Appeals, Case No. 10610887.

6. As a Project Manager, I am responsible for coordination of claims administration services for class action settlements. I oversee a multitude of services, such as document mailing, phone services, voice response units, live operators, website design and maintenance, mail processing, claims processing, distribution, and related reporting.

#### OVERVIEW OF EPIQ'S RESPONSIBILITIES

7. Epiq has been retained in the above matter to undertake numerous activities, including:

- (a) cause the Publication Notice to be published in *Investor's Business Daily* and transmitted over *Business Wire*;
- (b) print the Court-approved Notice and Proof of Claim;
- (c) mail the Notice and Proof of Claim and, where required, re-mail the Notice and Proof of Claim, by first-class mail to Class Members and to brokers, banks and other nominees;

DECLARATION OF CLAIMS ADMINISTRATOR ON NOTICE IMPLEMENTATION

(d) forward copies of the Notice and Proof of Claim to potential Class Members pursuant to requests submitted by brokers, banks and other nominees;

(e) use its best efforts to obtain correct addresses and re-mail the Notice and Proof of Claim to individuals or entities whose packages were returned as undeliverable mail;

(f) develop and maintain a website to provide information regarding the proposed Settlement and to capture online Proof of Claim submissions;

(g) establish an e-mail address for Class Members and other interested persons to contact the Claims Administrator;

(h) develop, staff and maintain live operator services and a toll free number with an interactive voice response unit (IVR);

(i) designate a post office box to receive requests for exclusion, Proofs of Claim and other communications; and

(j) receive, log, and process requests for exclusion, Proofs of Claim and other communications from Class Members and other interested persons.

#### **PUBLICATION NOTICE**

8. Epiq caused the Publication Notice to be published on December 8, 2010 in *Investor's Business Daily*, page A-7. Attached as **Attachment A** is a copy of the Publication Notice as it appeared in *Investor's Business Daily* as well as an affidavit of publication.

9. Also on December 8, 2010, Epiq caused the Publication Notice to be transmitted over *Business Wire*.

DECLARATION OF CLAIMS ADMINISTRATOR ON NOTICE IMPLEMENTATION

### **MAILING OF THE NOTICE AND PROOF OF CLAIM**

10. On October 8, 2010, Epiq received 33,448 records from Apple's transfer agent. Epiq imported this data file and removed exact duplicates. On December 8, 2010, Epiq mailed 31,886 copies of the Notice and Proof of Claim to these records by first-class mail. **Attachment B** is a copy of the Notice and Proof of Claim package as it was mailed.

11. Epiq maintains and updates a list of banks, brokers and other nominees. On December 9, 2010, Epiq mailed 5,804 copies of the Notice and Proof of Claim to known banks, brokers and other nominees in the United States. As a result of that mailing, banks, brokers and other nominees have sent Epiq (i) lists of potential Class Members and/or (ii) requests for quantities of unaddressed notices that the banks, brokers and other nominees forward to potential Class Members. Epiq is fulfilling both types of requests as they are received.

### **TOLL FREE TELEPHONE NUMBER, EMAIL ADDRESS AND WEBSITE**

12. Epiq activated a dedicated toll free number for the Settlement on December 7, 2010. The toll free number provides callers with automated answers to frequently asked questions and the ability to request a copy of the Notice and Proof of Claim by mail. This automated or "IVR" system is available 24 hours a day, 7 days a week. An option is available on the toll free number for callers to speak with a live agent. Epiq has trained agents on how to respond to questions from callers seeking information about the Settlement. Agents are available Monday through Friday from 9:00 A.M. to 5:00 P.M. Pacific Time (excluding official holidays). During other hours, callers may leave a message for an agent to call them back on the next business day.

13. Epiq also established an email address, [questions@applesecuritiessettlement.com](mailto:questions@applesecuritiessettlement.com), for Class Members and other interested persons to contact the Claims Administrator.

DECLARATION OF CLAIMS ADMINISTRATOR ON NOTICE IMPLEMENTATION

14. A settlement website, [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com), was established by Epiq which provides general information about the Settlement, answers to frequently asked questions and access to a number of case-related documents. Specifically, visitors to the website can download documents such as the Notice, Proof of Claim, Amended Stipulation and Agreement of Settlement and Amended Preliminary Approval Order, among other documents. This website also has automated functionality for Class Members and nominees to submit Proofs of Claims online.

#### **POST OFFICE BOX**

15. A post office box address has been designated for the Settlement. This post office box address appears on the Notice and Proof of Claim, and is also available through the toll free number and the website.

16. Epiq has received, and continues to receive, mail in this post office box, which includes Proofs of Claim.

17. As of the close of business on January 4, 2011, Epiq has received no requests for exclusion from the Class. As set forth in the Notice, requests for exclusion must be sent by first-class mail postage pre-paid, postmarked no later than January 21, 2011.

18. Epiq has received, and continues to receive, Proofs of Claim. The deadline to submit valid Proofs of Claim, as set forth in the Notice, is March 15, 2011.

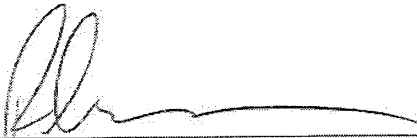
#### **PLAN OF ALLOCATION AND CLAIMS PROCESSING**

19. Epiq has reviewed the Plan of Allocation for distribution of the Net Settlement Fund, which is included in the Notice. Epiq has determined that it is able to administer the Settlement based on the Plan of Allocation, and has administered numerous other securities class action settlements with similar plans of allocation.

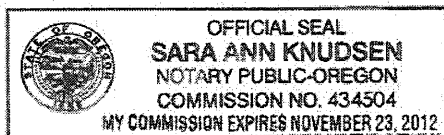
#### **DECLARATION OF CLAIMS ADMINISTRATOR ON NOTICE IMPLEMENTATION**

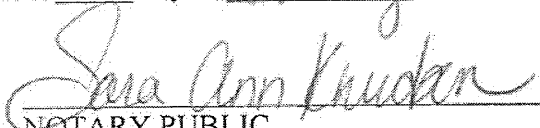
20. Epiq understands that the Plan of Allocation and the Court's Amended Preliminary Approval Order require Class Members to submit valid Proofs of Claim and supporting documentation. Such supporting documentation typically includes brokerage confirmation slips, or other documentation as sufficiently reliable to establish the transactions in the relevant security while preventing acceptance of fraudulent claims. If/when Epiq receives Proofs of Claim without sufficient documentation, the claimant or their authorized representative will be advised of the deficiency and we will attempt to work with the claimant in order for them to remedy the deficiency.

21. Prior to distributing the Net Settlement Fund, pursuant to Section 6 of the Amended Stipulation, I understand Lead Counsel will apply to the Court for a Class Distribution Order which will, among other things, approve of Epiq's administrative determinations concerning the acceptance and rejection of the Proofs of Claim submitted. Epiq will submit an additional declaration at that time updating the Court on the claims administration process. Pursuant to paragraph 49 of the Notice, I understand that Lead Plaintiff will request that the Court approve of appropriate recipients for cy pres donations of any funds remaining in the Net Settlement Fund following payment of outstanding costs and expenses.

  
Robert Oseas

Subscribed and sworn to before me this 7<sup>th</sup> day of January, 2011.



  
NOTARY PUBLIC

My Commission Expires: 11/23/12

DECLARATION OF CLAIMS ADMINISTRATOR ON NOTICE IMPLEMENTATION



1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 IN RE APPLE INC. SECURITIES  
6 LITIGATION

Case No. C06-05208-JF

CLASS ACTION

7  
8 SUPPLEMENTAL DECLARATION OF CLAIMS ADMINISTRATOR  
9

10 I, ROBERT OSEAS, declare as follows:

11 1. I am a Project Manager employed by Epiq Class Action and Claims Solutions Inc.,  
12 ("Epiq"), f/k/a Poorman-Douglas Corp., the Claims Administrator designated in the Amended  
13 Stipulation and Agreement of Settlement in this matter and approved by the Court in its Amended  
14 Order Preliminarily Approving Settlement, Directing Notice of Settlement, and Scheduling  
15 Settlement Fairness Hearing ("Amended Preliminary Approval Order"). See Doc. 134-1 at ¶1.6  
16 and Doc. 139 at ¶8.

17 2. I am overseeing and am fully familiar with the notice implementation actions  
18 taken by Epiq in connection with the Settlement, as described below. This Declaration is based  
19 upon my personal knowledge and information provided to me by associates and staff under my  
20 supervision and is accurate and truthful to the best of my knowledge.

21 3. I submit this declaration as a supplement to my declaration of January 7, 2011  
22 (attached hereto as **Attachment A**) to further describe and provide proof of the administrative  
23 activities conducted thus far.

24 **MAILING OF THE NOTICE AND PROOF OF CLAIM**

25 4. As described in my previous declaration, Epiq mailed 31,886 copies of the Notice  
26 and Proof of Claim to potential Class Members identified by Apple's transfer agent by first-class  
27 mail on December 8, 2010. Epiq also mailed 5,804 copies of the Notice and Proof of Claim to  
28 known banks, brokers and other nominees on December 9, 2010. The same documents were sent

SUPPLEMENTAL DECLARATION OF CLAIMS ADMINISTRATOR



1 electronically to the 365 banks, brokers and nominees for which Epiq had obtained e-mail  
2 addresses.

3         5. The notice package mailed to banks, brokers and other nominees included a  
4 Nominee Cover Letter (attached hereto as **Attachment B**). The Nominee Cover Letter directs  
5 each institution to compile a list of potential Class Members in order to provide notice by one or  
6 more of the following three mechanisms: (i) send copies of the Notice and Proof of Claim to such  
7 potential Class Members directly, (ii) send an electronic list of names and address to Epiq for  
8 mailing, or (iii) send to Epiq pre-printed address labels with the mailing information for potential  
9 Class Members, which Epiq could then use to mail a Notice and Proof of Claim. The instructions  
10 also requested that the banks, brokers and nominees complete their research within 14 days, in  
11 accordance with the Amended Preliminary Approval Order.

12         6. As of December 23, 2010, Epiq received 20 electronic lists from banks, brokers  
13 and other nominees, comprised of 672,012 potential Class Member names and addresses. Related  
14 mailings of the Notice and Proof of Claim to these potential Class Members were completed on a  
15 rolling basis as files were received, with most mailings completed 7-10 business days after Epiq's  
16 receipt of the data. Between December 9, 2010 and December 23, 2010, Epiq also received six  
17 requests for bulk shipment of unaddressed copies of the Notice and Proof of Claim to banks,  
18 brokers and other nominees. These requests totaled 25,787 Notices and Proofs of Claim, which  
19 the banks, brokers and other nominees were to then forward directly to potential Class Members.  
20 Epiq fulfilled all such requests on a rolling basis as they were received, with most requests being  
21 fulfilled within three business days. Finally, Epiq received one batch of approximately 712 pre-  
22 printed address labels prior to December 23, 2010. Epiq promptly affixed the address labels and  
23 appropriate postage to these Notices and Proofs of Claim, and caused them to be mailed to  
24 potential Class Members.

25         7. Since December 23, 2010, Epiq received an additional 22 electronic lists from  
26 banks, brokers and other nominees, comprised of 253,997 additional potential Class Member  
27 names and addresses. We have received seven additional requests for bulk shipment of a total of  
28 207,668 unaddressed copies of the Notice and Proof of Claim. One such instance was on January

1 5, 2011, when Broadridge Financial Solutions, Inc. ("Broadridge") requested unaddressed copies  
2 of the Notice and Proof of Claim from Epiq on behalf of Merrill Lynch and possibly other  
3 institutions. On January 10 and 11, 2011, Epiq sent Broadridge the requested unaddressed copies  
4 of the Notice and Proof of Claim by overnight mail. Broadridge subsequently informed Epiq that  
5 it mailed the unaddressed copies of the Notice and Proof of Claim to potential Class Members, on  
6 January 14, 2011.

7 8. Lastly, Epiq has received 10 additional batches of pre-printed address labels,  
8 comprised of 12,240 potential Class Member names and addresses, since December 23, 2010.  
9 All such mailings were completed on a rolling basis as information was received, with most  
10 mailings completed within 5-7 business days.

11 9. Epiq has received correspondence from three individuals who claim to have  
12 received the Notice and Proof of Claim on or shortly before January 21, 2011. The parties asked  
13 Epiq to determine the circumstances regarding the mailing of the Notice and Proof of Claim to  
14 these individuals. We have determined that Broadridge, on behalf of Merrill Lynch, mailed the  
15 Notice and Proof of Claim to one of the individuals, George Sibley, on January 14, 2011. As  
16 discussed above, on January 10 and 11, 2011, Epiq mailed Broadridge unaddressed copies of the  
17 Notice and Proof of Claim in response to Broadridge's January 5, 2011 request to Epiq. Epiq  
18 mailed the Notice and Proof of Claim directly to the other two individuals seven business days  
19 (January 18, 2011) after their information was provided to Epiq by a nominee on January 7, 2011.

20 10. Epiq has received invoices for postage, copying, and related costs from nominees  
21 that mailed the Notice and Proof of Claim directly to their clients.

22 11. As of January 14, 2011, Epiq had sent over 1.1 million copies of the Notice and  
23 Proof of Claim to potential Class Members or their banks, brokers or other nominees. As of  
24 February 3, 2011, a total of 1,211,562 Notices and Proofs of Claim were mailed to potential Class  
25 Members or their banks, brokers or other nominees. Some copies of the Notice and Proof of  
26 Claim have been returned as undeliverable. We have attempted to re-mail the Notice and Proof  
27 of Claim to a different address, but approximately 42,000 records remain undeliverable.  
28

**OTHER CONTACT WITH BANKS, BROKERS AND NOMINEES**

12. As noted above, Epiq sent a Notice, Proof of Claim and related instructions electronically on December 10, 2010 to the 365 banks, brokers and nominees for which Epiq had obtained an e-mail address. We have also undertaken other efforts to reach out to these entities and encourage them to complete their research for the notice process or to remind them of the various deadlines established by the Court. Beginning January 3, 2011, Epiq has focused on the ten entities who are historically among the largest claim filers in similar Class Actions, though we have worked with other banks, brokers and nominees by phone or e-mail, as well. We have been advised by several nominees that they intend to file claims on behalf of their clients before the March 15, 2011 Proof of Claim deadline.

**TOLL FREE TELEPHONE NUMBER, EMAIL ADDRESS AND WEBSITE**

13. As described more fully in my previous declaration, Epiq created and continues to maintain a toll-free information line which, in addition to providing recorded information about the Proposed Settlement, allows callers to speak with a live representative or request a Notice and Proof of Claim. As of February 3, 2011, Epiq has received 2,317 calls to the toll-free number. Of these callers, 1,076 have chosen to speak with a live representative, and 71 additional requests for a Notice and Proof of Claim were received.

14. Epiq also established an email address, [questions@applesecuritiessettlement.com](mailto:questions@applesecuritiessettlement.com), for Class Members and other interested persons to contact the Claims Administrator. As of February 3, 2011, Epiq has received 349 emails.

15. As described more fully in my previous declaration, Epiq established and continues to maintain a settlement website, [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com).

16. On December 8, 2010, Epiq made the following documents accessible through this website:

- Amended Stipulation and Agreement of Settlement (without exhibits)
- Lead Plaintiff's Motion for Preliminary Approval of Class Action Settlement

- Apple Inc.'s Memorandum of Points and Authorities in Support of Joint Motion for Order Preliminarily Approving Settlement, Directing Notice of Settlement, and Scheduling Settlement Fairness Hearing.
- Joint Submission in Support of Amended Preliminary Approval Order
- Amended Preliminary Approval Order (without exhibits)
- Notice of Proposed Settlement, Settlement Fairness Hearing, and Motion for Attorneys' Fees and Expenses
- Proof of Claim

17. On January 10, 2011, Epiq made the following additional documents accessible through this website:

- Lead Plaintiff's Notice of Motion and Motion for Final Approval of Class Action Settlement; Memorandum of Points and Authorities in Support Thereof.
- Lead Plaintiff's Notice of Motion and Motion for Attorneys' Fees and Reimbursement of Litigation Expenses; Memorandum of Points and Authorities in Support Thereof.
- Declaration of Michael J. Barry in Support of Motion for Final Approval of Settlement and Plan of Allocation and Motion for an Award of Attorneys' Fees and Reimbursement of Expenses.
- Defendants' Notice of Joinder in Lead Plaintiff's Request for Final Approval of Class Action Settlement and Plan of Allocation.
- Apple Inc.'s Memorandum of Points and Authorities in Support of Final Approval of Class Action Settlement and Plan of Allocation.

As of February 3, 2011, this website has been accessed by 12,406 visitors.

#### **PUBLICATION NOTICE**

18. As set forth in my earlier declaration, Epiq caused the Publication Notice to be published on December 8, 2010, in *Investor's Business Daily*, and to be transmitted over *Business Wire* on December 8, 2010.



## REQUESTS FOR EXCLUSION

19. Epiq has designated a post office box address for the Settlement to receive correspondence from Class Members, including Requests for Exclusion. The Notice directs that all Requests for Exclusion be postmarked no later than January 21, 2011. As of February 3, 2011, Epiq has received 19 Requests for Exclusion. As part of the exclusion process, Class Members who wish to be excluded are directed to identify the date(s), price(s) and number of shares of all purchases and sales of Apple common stock made during the Class Period. Of the 19 potential Class Members who have requested exclusion, one potential Class Member has indicated that they made no purchases of Apple common stock during the Class Period, and seven have not included information about their purchases or sales. The remaining 11 Class Members have reported purchases totaling 3,425 shares and reported sales totaling 590 shares. A list of each potential Class Member requesting exclusion, as well as the number of shares reported purchased and sold by each, is attached hereto as **Attachment C**.

## PROOFS OF CLAIM

20. Epiq has designated a post office box address for the Settlement to receive Proofs of Claim. This address appears on the Proof of Claim, Notice, website, and is available through the toll-free telephone line. Class Members also have the option to submit their Proofs of Claim and supporting documentation electronically at [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com). As of February 3, 2011, Epiq has received a total of 18,653 Proofs of Claim submitted by or on behalf of Class Members that purportedly purchased over 547 million shares of Apple stock during the Class Period. Of this total, 8,350 were submitted via the post office box, an additional 1,645 were submitted via the website, and 8,658 were submitted electronically by banks, brokers or other nominees.

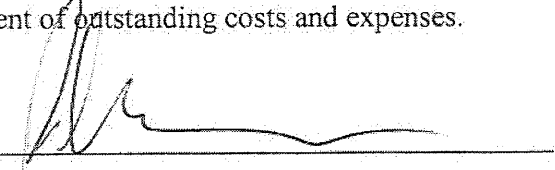
21. Epiq has reviewed the Plan of Allocation for distribution of the Net Settlement Fund, which is included in the Notice. Epiq has determined that it is able to administer the Settlement based on the Plan of Allocation, and has administered numerous other securities class action settlements with similar plans of allocation.

1           22.     Epiq understands that the Plan of Allocation and the Court's Amended Preliminary  
2 Approval Order require Class Members to submit valid Proofs of Claim and supporting  
3 documentation. Such supporting documentation typically includes brokerage confirmation slips,  
4 or other documentation as sufficiently reliable to establish the transactions in the relevant security  
5 while preventing acceptance of fraudulent claims. If/when Epiq receives Proofs of Claim without  
6 sufficient documentation, the claimant or their authorized representative will be advised of the  
7 deficiency and we will attempt to work with the claimant in order for them to remedy the  
8 deficiency.


9           23.     As of February 2011, Epiq has begun to process Proofs of Claims and follow up  
10 with Class Members regarding deficiencies.

11           24.     Prior to distributing the Net Settlement Fund, pursuant to Section 6 of the  
12 Amended Stipulation, I understand Lead Counsel will apply to the Court for a Class Distribution  
13 Order which will, among other things, approve of Epiq's administrative determinations  
14 concerning the acceptance and rejection of the Proofs of Claim submitted. Epiq will submit an  
15 additional declaration at that time updating the Court on the claims administration process.  
16 Pursuant to ¶ 49 of the Notice, if any funds remain in the Net Settlement Fund by reason of un-  
17 cashed checks or otherwise, then, after Epiq has made reasonable and diligent efforts to have  
18 Class Members who are entitled to participate in the distribution of the Net Settlement Fund cash  
19 their distributions, any balance remaining in the Net Settlement Fund one year after the initial  
20 distribution of such funds shall be re-distributed to Class Members who have cashed their initial  
21 distributions, after payment of any unpaid costs or fees incurred in administering the Net  
22 Settlement Fund for such re-distribution, up to a maximum distribution of \$1.70 per share (the  
23 difference between the closing price of Apple common stock on June 29, 2006 (\$58.97) and June  
24 30, 2006 (\$57.27)). I understand that Lead Plaintiff will request that the Court approve of  
25  
26  
27  
28

1 appropriate recipients for cy pres donations of any funds remaining in the Net Settlement Fund  
2 after the second distribution following payment of outstanding costs and expenses.

3  
4   
5 Robert Oseas

6  
7 Subscribed and sworn to before me this 4<sup>th</sup> of February, 2011.

8   
9  
10 NOTARY PUBLIC

11  
12 My Commission Expires: 11/23/12





1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 IN RE APPLE INC. SECURITIES  
6 LITIGATION

Case No. C06-05208-JF

CLASS ACTION

7  
8 **SECOND SUPPLEMENTAL DECLARATION OF CLAIMS ADMINISTRATOR**  
9

10 I, ROBERT OSEAS, declare as follows:

11 1. I am a Project Manager employed by Epiq Class Action and Claims Solutions Inc.,  
12 ("Epiq"), f/k/a Poorman-Douglas Corp., the Claims Administrator designated in the Amended  
13 Stipulation and Agreement of Settlement in this matter and approved by the Court in its Amended  
14 Order Preliminarily Approving Settlement, Directing Notice of Settlement, and Scheduling  
15 Settlement Fairness Hearing ("Amended Preliminary Approval Order"). See Doc. 134-1 at ¶1.6  
16 and Doc. 139 at ¶8.

17 2. I am overseeing and am fully familiar with the notice implementation actions  
18 taken by Epiq in connection with the Settlement, as described below. This Declaration is based  
19 upon my personal knowledge and information provided to me by associates and staff under my  
20 supervision and is accurate and truthful to the best of my knowledge.

21 3. I submit this declaration as a supplement to my declarations of January 7, 2011  
22 and February 4, 2011 (both attached hereto as **Attachment A**) to further describe and provide  
23 proof of the administrative activities conducted after February 3, 2011. I respectfully refer the  
24 Court to my previous declarations for details about the notice program and the claims  
25 administration process through February 3, 2011.

26 **MAILING OF THE NOTICE AND PROOF OF CLAIM**

27 4. As of February 23, 2011, a total of 1,221,135 copies of the Notice and Proof of  
28 Claim have been mailed to potential Class Members or their banks, brokers or other nominees.

SECOND SUPPLEMENTAL DECLARATION OF CLAIMS ADMINISTRATOR

1 Some copies of the Notice and Proof of Claim have been returned as undeliverable. Epiq has  
2 attempted to re-mail the Notice and Proof of Claim to a different address, but approximately  
3 55,715 records remain undeliverable.<sup>1</sup>

4 5. As stated in my Supplemental declaration, as of February 3, 2011, Epiq received  
5 correspondence from three individuals who claim to have received the Notice and Proof of Claim  
6 on or shortly before January 21, 2011. On or about February 16, 2011, Epiq received an  
7 exclusion request from Silvia and Jobst von Bruchhausen, dated February 8, 2011 (attached  
8 hereto as **Attachment C**). The von Bruchhausens appear to reside in Germany and state that they  
9 received the "Proof of Claim" on January 26, 2011. They also state have that they have no  
10 knowledge of having purchased or sold Apple stock. As of February 23, 2011, Epiq has not  
11 received any other correspondence or telephone calls from any Class Member who has indicated  
12 concern regarding the timeliness of the Notice.

#### 13 **OTHER CONTACT WITH BANKS, BROKERS AND NOMINEES**

14 6. Since February 3, 2011, Epiq has continued to reach out to banks, brokers and  
15 nominees and encourage them to complete their research for the notice process or to remind them  
16 of the various deadlines established by the Court. Epiq has focused on the ten entities who are  
17 historically among the largest claim filers in similar Class Actions, though Epiq has worked with  
18 other banks, brokers and nominees by phone or e-mail, as well. We have been advised by several  
19 nominees that they intend to file claims on behalf of their clients before the March 15, 2011 Proof  
20 of Claim deadline.

#### 21 **TOLL-FREE TELEPHONE NUMBER, EMAIL ADDRESS AND WEBSITE**

22 7. As stated in my previous declarations, Epiq created and continues to maintain a  
23 toll-free information line which, in addition to providing recorded information about the  
24 Settlement, allows callers to speak with a live representative or request a Notice and Proof of  
25 Claim. As of February 23, 2011, Epiq has received 3,143 calls to the toll-free number. Of these  
26 callers, 1,479 have chosen to speak with a live representative, and 96 callers have requested

27  
28 <sup>1</sup> A summary of the figures discussed in this and my previous declarations is attached hereto as  
**Attachment B**.

1 copies of the Notice and Proof of Claim.

2 8. Epiq also established an email address, [questions@applesecuritiessettlement.com](mailto:questions@applesecuritiessettlement.com),  
3 for Class Members and other interested persons to contact the Claims Administrator. As of  
4 February 23, 2011, Epiq has received 507 emails.

5 9. As stated in my previous declarations, Epiq established and continues to maintain  
6 a settlement website, [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com).

7 10. On February 8, 2011, Epiq made the following additional documents accessible  
8 through this website:

- 9 • Lead Plaintiff's Reply in Support of Motion for Final Approval of Class  
10 Action Settlement and Plan of Allocation and Application for Attorneys' Fees  
11 and Reimbursement of Expenses
- 12 • Exhibit A to Lead Plaintiff's Reply
- 13 • Apple Inc.'s Reply in Support of Motion for Final Approval of Class Action  
14 Settlement and Plan of Allocation
- 15 • Declaration of Vivi Lee in Support of Apple Inc.'s Reply in Support of Motion  
16 for Final Approval of Class Action Settlement and Plan of Allocation

17 As of February 23, 2011, this website has been accessed by 18,261 visitors.

#### 18 **REQUESTS FOR EXCLUSION**

19 11. Epiq has designated a post office box address to receive correspondence about the  
20 Settlement from Class Members, including Requests for Exclusion. The Notice directs that all  
21 Requests for Exclusion be postmarked no later than January 21, 2011. As stated in my previous  
22 declaration, as of February 3, 2011, Epiq had received 19 Requests for Exclusion. On February  
23 16, 2011, we received one additional Request for Exclusion from a potential Class Member (the  
24 von Bruchhausens' request mentioned in Paragraph 5 above). Thus, as of February 23, 2011,  
25 Epiq has received 20 Requests for Exclusion. Under the Amended Preliminary Approval Order,  
26 Class Members who wish to be excluded are directed to identify the date(s), price(s) and number  
27 of shares of all purchases and sales of Apple common stock made during the Class Period. Of the  
28 20 potential Class Members who have requested exclusion, two potential Class Members—

1 including the von Bruchhausens— have indicated that they made no purchases of Apple common  
 2 stock during the Class Period, and seven have not included information about their purchases or  
 3 sales. The remaining 11 Class Members have reported purchases totaling 3,425 shares and  
 4 reported sales totaling 590 shares. An updated list of each potential Class Member requesting  
 5 exclusion, as well as the number of shares reported purchased and sold by each, is attached hereto  
 6 as **Attachment D**.

### 7 PROOFS OF CLAIM

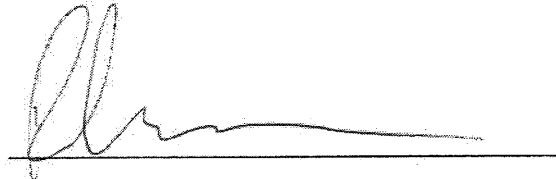
8 12. Epiq has designated a post office box address for the Settlement to receive Proofs  
 9 of Claim. This address appears on the Proof of Claim, Notice, and website, and is available  
 10 through the toll-free telephone line. Class Members and nominees also have the option to submit  
 11 their Proofs of Claim and supporting documentation electronically at  
 12 [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com). As stated in my previous declaration, as of February 3,  
 13 2011, Epiq received a total of 18,653 Proofs of Claim. Since February 3, 2011, Epiq has received  
 14 an additional 10,387 Proofs of Claim, for a total of 29,040 as of February 23, 2011. These 29,040  
 15 Proofs of Claim purport to represent purchases of over 603 million shares of Apple stock during  
 16 the Class Period. 17,676 Proofs of Claim were submitted via the post office box, an additional  
 17 2,330 were submitted by individual Class Members via the website, and 9,034 were submitted  
 18 electronically by banks, brokers or other nominees.

### 19 CLAIMS PROCESSING

20 13. Epiq has begun to process Proofs of Claims and follow up with Class Members  
 21 regarding deficiencies. As of February 23, 2011, Epiq has processed a total of 27,531 Proofs of  
 22 Claim. Of this total, 5,242 claims have been found to have one or more unresolved deficiencies.  
 23 22,289 Proofs of Claim have no unresolved deficiencies, though 9,027 Proofs of Claim have been  
 24 flagged for further review. As of February 23, 2011, Epiq has completed a manual review of  
 25 4,836 Proofs of Claim.


26 14. Epiq has estimated the Recognized Claim according to the Plan of Allocation for  
 27 27,531 of the 29,040 Proofs of Claim submitted to date. As of February 23, 2011, Epiq's  
 28 calculations show the following: (i) 21,267 Proofs of Claim have a Recognized Claim of zero

1 (\$0.00); (ii) 192 Proofs of Claim have a Recognized Claim greater than \$0.00 but less than \$5.00;  
2 and (iii) 6,072 Proofs of Claim have a Recognized Claim greater than \$5.00. In aggregate, these  
3 6,264 Proofs of Claim represent \$9,373,772.13 in value of Recognized Claims. Epiq will  
4 continue to process Proofs of Claim as they are received in accordance with the Plan of  
5 Allocation.

6  
7  
8 

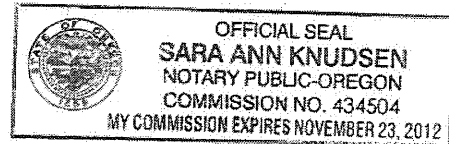
9 Robert Oseas

10  
11 Subscribed and sworn to before me this 23<sup>rd</sup> of February, 2011.

12  
13 

14 NOTARY PUBLIC

15  
16 My Commission Expires: 11/23/12





1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 IN RE APPLE INC. SECURITIES  
6 LITIGATION

Case No. C06-05208-JF  
CLASS ACTION

7  
8 **THIRD SUPPLEMENTAL DECLARATION OF CLAIMS ADMINISTRATOR**  
9

10 I, ROBERT OSEAS, declare as follows:

11 1. I am a Project Manager employed by Epiq Class Action and Claims Solutions Inc.,  
12 (“Epiq”), f/k/a Poorman-Douglas Corp., the Claims Administrator designated in the Amended  
13 Stipulation and Agreement of Settlement in this matter and approved by the Court in its Amended  
14 Order Preliminarily Approving Settlement, Directing Notice of Settlement, and Scheduling  
15 Settlement Fairness Hearing (“Amended Preliminary Approval Order”). See Doc. 134-1 at ¶1.6  
16 and Doc. 139 at ¶8.

17 2. I am overseeing and am fully familiar with the notice implementation actions  
18 taken by Epiq in connection with the Settlement, as described below. This Declaration is based  
19 on my personal knowledge and information provided to me by associates and staff under my  
20 supervision and is accurate and truthful to the best of my knowledge.

21 3. I submit this declaration as a supplement to my declarations of January 7, 2011,  
22 February 4, 2011, and February 23, 2011 (all attached hereto as **Attachment A**) to further  
23 describe and provide proof of the administrative activities conducted after February 23, 2011. I  
24 respectfully refer the Court to my previous declarations for details about the notice program and  
25 the claims administration process through February 23, 2011.

26 4. As of March 14, 2011, Epiq has received 76,820 Proofs of Claim. As discussed  
27 below, Epiq has estimated the Recognized Claims for 64,684 of these 76,820 Proofs of Claim  
28 according to the Plan of Allocation. Of the 64,684 Proofs of Claim, Epiq’s calculations show that

1 18,425 Proofs of Claim have a Recognized Claim greater than \$5.00 and represent  
2 \$48,180,424.75 in value of Recognized Claims.

3 **MAILING OF THE NOTICE AND PROOF OF CLAIM**

4 5. As stated in my previous declarations, Epiq mailed 5,804 copies of the Notice and  
5 Proof of Claim to known banks, brokers and other nominees on December 9, 2010, and sent the  
6 same documents electronically to the 365 banks, brokers and nominees for which Epiq had  
7 obtained email addresses. The Nominee Cover Letter included in the notice package directs each  
8 institution to compile a list of potential Class Members in order to provide notice by one or more  
9 of the following mechanisms: (i) send copies of the Notice and Proof of Claim to such potential  
10 Class Members directly, (ii) send an electronic list of names and addresses to Epiq for mailing, or  
11 (iii) send Epiq pre-printed address labels with the mailing information for potential Class  
12 Members, which Epiq could then use to mail a Notice and Proof of Claim. The instructions also  
13 requested that the banks, brokers and nominees complete their research within 14 days, in  
14 accordance with the Amended Preliminary Approval Order. As of February 23, 2011, Epiq had  
15 mailed a total of 1,221,135 copies of the Notice and Proof of Claim to potential Class Members or  
16 their banks, brokers or other nominees.

17 6. On February 28, 2011, TD Ameritrade provided an electronic list of approximately  
18 132,545 names and addresses of potential Class Members to Epiq. Epiq completed the mailing of  
19 the Notice and Proof of Claim based on TD Ameritrade's information on March 4, 2011. TD  
20 Ameritrade was included in the original mailing to banks, brokers and nominees on December 9,  
21 2010, and was also sent the notice package electronically. Epiq also contacted TD Ameritrade by  
22 phone and email after December 9, 2010, to encourage TD Ameritrade to complete its research  
23 for the notice process.

24 7. As of March 14, 2011, a total of 1,365,734 copies of the Notice and Proof of  
25 Claim have been mailed to potential Class Members or their banks, brokers or other nominees.  
26 Some copies of the Notice and Proof of Claim have been returned as undeliverable. Epiq has  
27 attempted to re-mail the Notice and Proof of Claim to a different address, but approximately  
28



1 61,738 records remain undeliverable.<sup>1</sup>

2 8. As stated in my Second Supplemental declaration, as of February 23, 2011, Epiq  
3 received correspondence from three individuals who claim to have received the Notice and Proof  
4 of Claim on or shortly before January 21, 2011. On or about February 16, 2011, Epiq received an  
5 exclusion request from two individuals who stated that they received the "Proof of Claim" on  
6 January 26, 2011, but that they had no knowledge of having purchased or sold Apple stock. On  
7 March 14, 2011, Apple's counsel forwarded Epiq an email from an individual who appears to  
8 reside in Venezuela and states that he received the Notice on March 13, 2011. Epiq has  
9 determined that it mailed the Notice and Proof of Claim to this individual on January 11, 2011, in  
10 response to a request from a nominee on January 4, 2011.

#### 11 **OTHER CONTACT WITH BANKS, BROKERS AND NOMINEES**

12 9. Since February 23, 2011, Epiq has continued to reach out to banks, brokers and  
13 nominees and encourage them to complete their research for the notice process or to remind them  
14 of the various deadlines established by the Court. Epiq has focused on the ten entities who are  
15 historically among the largest claim filers in similar Class Actions, though Epiq has worked with  
16 other banks, brokers and nominees by phone or e-mail, as well. Several of those entities have  
17 now filed claims on behalf of their clients.

#### 18 **TOLL-FREE TELEPHONE NUMBER, EMAIL ADDRESS AND WEBSITE**

19 10. As stated in my previous declarations, Epiq created and continues to maintain a  
20 toll-free information line which, in addition to providing recorded information about the  
21 Settlement, allows callers to speak with a live representative or request a Notice and Proof of  
22 Claim. As of March 14, 2011, Epiq has received 5,091 calls to the toll-free number. Of these  
23 callers, 2,399 have chosen to speak with a live representative, and 114 callers have requested  
24 copies of the Notice and Proof of Claim.

25 11. Epiq also established an email address, questions@applesecuritiessettlement.com,  
26 for Class Members and other interested persons to contact the Claims Administrator. As of  
27

28 <sup>1</sup> A summary of the figures discussed in this and my previous declarations is attached hereto as  
**Attachment B.**

1 March 14, 2011, Epiq has received 876 emails.

2 12. As stated in my previous declarations, Epiq established and continues to maintain  
3 a settlement website, [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com). As of March 14, 2011, this website  
4 has been accessed by 27,353 visitors.

### 5 REQUESTS FOR EXCLUSION AND OBJECTIONS

6 13. Epiq has designated a post office box address to receive correspondence about the  
7 Settlement from Class Members, including Requests for Exclusion. The Notice directs that all  
8 Requests for Exclusion be postmarked no later than January 21, 2011. As stated in my previous  
9 declaration, as of February 23, 2011, Epiq has received 20 Requests for Exclusion. Under the  
10 Amended Preliminary Approval Order, Class Members who wish to be excluded are directed to  
11 identify the date(s), price(s) and number of shares of all purchases and sales of Apple common  
12 stock made during the Class Period. Of the 20 potential Class Members who have requested  
13 exclusion, two potential Class Members have indicated that they made no purchases of Apple  
14 common stock during the Class Period, and seven have not included information about their  
15 purchases or sales. The remaining 11 Class Members have reported purchases totaling 3,425  
16 shares and reported sales totaling 590 shares. A list of each potential Class Member requesting  
17 exclusion, as well as the number of shares reported purchased and sold by each, is attached hereto  
18 as **Attachment C**.

19 14. On or about February 25, 2011, Epiq received an objection from Geoffrey H.  
20 Wood, postmarked February 22, 2011 (attached hereto as **Attachment D**). We have determined  
21 that Epiq mailed a copy of the Notice and Proof of Claim to Mr. Wood on January 7, 2011, in  
22 response to mailing information provided to us by a nominee on December 22, 2010. Epiq  
23 mailed Mr. Wood another copy of the Notice and Proof of Claim on January 11, 2011, in  
24 response to a request from a different nominee on January 4, 2011. Mr. Wood states that he  
25 purchased approximately 180 shares of Apple common stock during the Class Period. Mr. Wood  
26 acknowledges that he "fail[ed] to file [ ]his objection in a timely manner." Other than Mr.  
27 Wood's objection and the objections previously filed with the Court, Epiq has not received any  
28 other objections as of March 14, 2011.

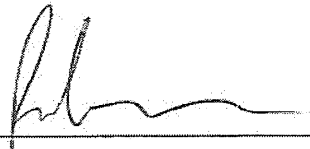
## PROOFS OF CLAIM

15. Epiq has designated a post office box address for the Settlement to receive Proofs of Claim. This address appears on the Proof of Claim, Notice, and website, and is available through the toll-free telephone line. Class Members and nominees also have the option to submit their Proofs of Claim and supporting documentation electronically at [www.applesecuritiessettlement.com](http://www.applesecuritiessettlement.com). As stated in my previous declaration, as of February 23, 2011, Epiq had received a total of 29,040 Proofs of Claim. Since February 23, 2011, Epiq has received an additional 47,780 Proofs of Claim, for a total of 76,820 as of March 14, 2011. These 76,820 Proofs of Claim purport to represent purchases of over 1.099 billion shares of Apple stock during the Class Period. As of March 14, 2011, 26,744 Proofs of Claim have been submitted via the post office box, an additional 4,471 have been submitted by individual Class Members via the website, and 45,605 were submitted electronically by banks, brokers or other nominees.

## CLAIMS PROCESSING

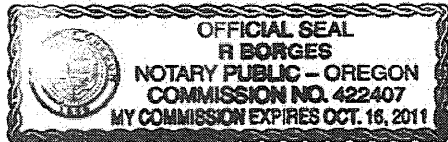
16. Epiq has begun to process Proofs of Claims and follow up with Class Members regarding deficiencies. As of March 14, 2011, Epiq has processed a total of 64,684 Proofs of Claim. Of this total, 13,730 claims have been found to have one or more unresolved deficiencies. 50,954 Proofs of Claim have no unresolved deficiencies, though 18,312 Proofs of Claim have been flagged for further review. As of March 14, 2011, Epiq has completed a manual review of 18,604 Proofs of Claim.

17. Epiq has estimated the Recognized Claims according to the Plan of Allocation for 64,684 of the 76,820 Proofs of Claim submitted to date. As of March 14, 2011, Epiq's calculations show the following: (i) 45,987 Proofs of Claim have a Recognized Claim of zero (\$0.00); (ii) 272 Proofs of Claim have a Recognized Claim greater than \$0.00 but less than \$5.00; and (iii) 18,425 Proofs of Claim have a Recognized Claim greater than \$5.00. In aggregate, these 64,684 Proofs of Claim represent **\$48,180,424.75** in value of Recognized Claims. Epiq will continue to process Proofs of Claim as they are received in accordance with the Plan of Allocation.



Robert Oseas

Subscribed and sworn to before me this 15<sup>th</sup> of March, 2011.





NOTARY PUBLIC

My Commission Expires: Oct. 16, 2011